

The Director

Washington, D.C. 20505

16 NOV 1978

Honorable Birch Bayh, Chairman
Honorable Barry Goldwater, Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairmen:

Thank you for your letter of 19 October requesting that the Agency not disclose publicly any information and documents exchanged by the Agency with your Committee and with its predecessor, the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, unless your Committee first reviews the material and votes for its release.

STAT The possession of such materials in our files presents a serious problem to CIA and undoubtedly to other intelligence agencies in responding to requests under the Freedom of Information and Privacy Acts. Regardless of the fact that the Legislative Branch is not subject to provisions of these Acts, Congressional documents and Congressional information reposing in Agency files become subject to determinations as to releasability. We have recognized your concerns to maintain confidentiality and have invoked your interests whenever Congressional documents or Congressional information become subject to release. For example, your recent letter of 21 September to the Agency concerning the FOIA case [redacted] requesting nondisclosure of certain materials of Committee interest has been presented to the court. The matter is still in litigation and we are hopeful that we will prevail.

You may be assured that all information or documents, or any portions thereof, exchanged in confidence between CIA and your Committee, and its predecessor, which are the subject of any outside request for public release, will continue to be submitted to the Committee for prior approval.

Our acceptance of your right to require prior approval is based on our assumption that the Committee will not disclose any documents or information exchanged in confidence between the Committee and CIA without prior Agency approval. To date, the Committee has followed this policy and I would expect that it will be continued in the future. Neither of our interests will be protected unless we both agree to recognize each other's requirements for confidentiality. If there is disagreement, I am confident that in a spirit of cooperation we can resolve our differences.

This exchange of letters will serve as mutual understanding and assurance that all matters discussed in confidence between us will not be disclosed until both of our interests are given due consideration.

Yours sincerely,

15/
STANSFIELD TURNER

Dist.: Orig-Addressees
1-DCI 1-DDA
1-DDCI 1-DDO
1-ER 1-DDS&T
1-DD/RM 1-OGC
1-DD/NFA 1-OGC
1-DD/CT 1-D/PA
1-C/IPS 1-OLC Subject
1-OLC Chron
OLC:PLC:jms(14 Nov 1978)

STAT

STAT

DATE OF REQUEST

TO

Approved For Release 2004/12/02 : CIA-RDP81M00980R000200050005-0

ILLEGIB

SUSPENSE DATE

FROM : FLC

SUBJECT:

NOTES

Re the attached comments from OGC. I would recommend that we add the following to your pink routing sheet to the Director.

"We have noted the General Counsel's comments. We were aware and are confident that you also were aware that the disclosure laws do not provide a specific exemption to withhold documents of Congressional interest. This is a gray area which the courts will have to decide. The chances of prevailing in court are indeed uncertain; however, the issue is vital to the Congress and we must respect and uphold the mutual trust that is the foundation of our confidential Congressional relationship. Your policy flies that banner and it is full speed into the legal fray."

COORDINATED WITH (list names as well as offices)

NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE

ACTION REQUIRED BY GLC

Approved For Release 2004/12/02 : CIA-RDP81M00980R000200050005-0

020 78-5436/1

STAT

Approved For Release 2004/12/02 : CIA-RDP81M00980R000200050005-0		
TO : 		OF REQUEST
FROM : PLC 20 Nov 1978		SUSPENSE DATE
SUBJECT: <i>to ER</i> Release of Documents of Congressional Interest		
NOTES Attached for forwarding to the DCI for signature is a memorandum to all Directorates and office heads instructing nondisclosure of any exchanges of confidential documents with Congressional committees or Members without prior approval from the Congressional office of interest. This is a follow-up to the letter from Chairman Bayh and Vice Chairman Goldwater, SSCI.		
COORDINATED WITH (list names as well as offices)		
NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE
ACTION REQUIRED BY GLC Signature required on pink sheet		
Approved For Release 2004/12/02 : CIA-RDP81M00980R000200050005-0		

☐ UNCLASSIFIED ☐ INTERNAL USE ONLY ☐ CONFIDENTIAL ☐ SECRET

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Acting Legislative Counsel

EXTENSION

NO.

ER 28-6593/1

DATE

NOV 20 1978

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DDCI

RECEIVED

FORWARDED

11/21/78

NOV 1978

[Signature]

2.

3.

DCI

Rec'd 22 Nov.

4.

5.

OLC(for handcarry)

6.

7.

8.

9.

10.

11.

12.

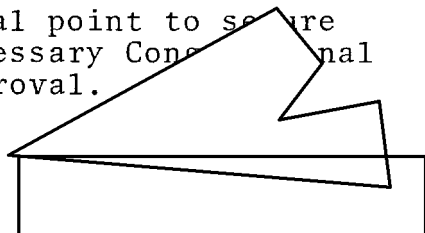
13.

14.

15.

In accordance with your request, attached for your signature is a memorandum to all Directorates and office heads instructing that all documents in Agency files reflecting confidential exchanges with Congressional committees and Members of Congress will not be publicly disclosed in response to any outside request without the approval of the Congressional office of interest.

Our office will be the focal point to secure necessary Congressional approval.



This memorandum was prepared by *[Redacted]* of my staff.

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